

James Maxwell Cooper (S.B.N. 274054)  
max.cooper@kirkland.com  
KIRKLAND & ELLIS LLP  
555 California Street, 27th Floor  
San Francisco, California 94104-1501  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500

Attorneys for Defendant  
ABBOTT LABORATORIES

Kevin Haverty (admitted *pro hac vice*)  
khaverty@wcblegal.com  
WILLIAMS CUKER BEREZOFSKY, LLC  
210 Lake Drive East, Suite 101  
Cherry Hill, NJ 08002  
Telephone: (856) 667-0500  
Facsimile: (856) 667-5133

Attorney for Plaintiffs

(Additional counsel listed on signature page)

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

STEPHEN WENDELL AND LISA WENDELL,  
for themselves and as successors in interest to  
MAXX WENDELL, DECEASED,

Plaintiffs,

v.

JOHNSON & JOHNSON;  
CENTOCOR, INC.;  
ABBOTT LABORATORIES;  
SMITHKLINE BEECHAM  
d/b/a GLAXOSMITHKLINE;  
TEVA PHARMACEUTICALS USA;  
GATE PHARMACEUTICALS,  
a division of TEVA PHARMACEUTICALS USA;  
PAR PHARMACEUTICAL, INC.;

Defendants.

Case No: 4:09-cv-04124-CW

**STIPULATED JOINT MOTION FOR  
STAY OF PROCEEDINGS AS TO  
PLAINTIFFS' CLAIMS AGAINST  
ABBOTT LABORATORIES**

1 Plaintiffs Stephen Wendell and Lisa Wendell and Defendant Abbott Laboratories (“Abbott”)  
2 hereby jointly move the Court for a stay of proceedings as to Plaintiffs’ claims against Abbott.

3 On April 9, 2014, Plaintiffs and Abbott reached an agreement in principle to settle Plaintiffs’  
4 claims against Abbott in this case. The parties are working in good faith to finalize the terms of a  
5 settlement agreement, and anticipate that they will be able to execute a final settlement agreement by  
6 May 2, 2014. As part of their agreement in principle to settle Plaintiffs’ claims against Abbott and in the  
7 interests of efficiency, the parties have agreed that it is in the interest of both parties to stay all  
8 proceedings as to Abbott until the parties’ settlement is finalized.

9 Accordingly, Abbott and Plaintiffs respectfully request that the Court grant a stay of proceedings  
10 as to Plaintiffs’ claims against Abbott.

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 DATED: April 11, 2014

Respectfully submitted,

2 /s/ James Maxwell Cooper  
James Maxwell Cooper  
max.cooper@kirkland.com  
KIRKLAND & ELLIS LLP  
555 California Street, 27th Floor  
San Francisco, CA 94104  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500

3  
4  
5  
6  
7 Michael P. Foradas (*pro hac vice*)  
michael.foradas@kirkland.com  
Renee D. Smith (*pro hac vice*)  
renee.smith@kirkland.com  
Brenton Rogers (*pro hac vice*)  
brenton.rogers@kirkland.com  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
Telephone: (312) 862-2000  
Facsimile: (312) 862-2200

8  
9  
10  
11  
12 *Counsel for Defendant Abbott Laboratories*

13  
14 DATED: April 11, 2014

/s/ Kevin Haverty  
Kevin Haverty (*pro hac vice*)<sup>1</sup>  
khaverty@wcblegal.com  
WILLIAMS CUKER BEREZOFSKY, LLC  
210 Lake Drive East, Suite 101  
Cherry Hill, NJ 08002  
Tel: 856-667-0500  
Fax: 856-667-5133

15  
16  
17  
18 *Counsel for Plaintiffs*

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

20  
21  
22  
23 DATED: \_\_\_\_\_, 2014

24 CLAUDIA WILKEN  
United States District Judge

25  
26  
27 <sup>1</sup> I, James Maxwell Cooper, hereby attest, pursuant to Local Rule 5-1(i), that concurrence in the filing of this document  
28 has been obtained from the other signatory.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of the attached **STIPULATED JOINT MOTION FOR STAY OF PROCEEDINGS AS TO PLAINTIFFS' CLAIMS AGAINST ABBOTT LABORATORIES** via the CM/ECF system on April 11, 2014.

DATED: April 11, 2014

By: /s/ James Maxwell Cooper

James Maxwell Cooper  
max.cooper@kirkland.com  
KIRKLAND & ELLIS LLP  
555 California Street, 27th Floor  
San Francisco, CA 94104-1501  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500

*Counsel for Abbott Laboratories*